

PLANNING COMMISSION MINUTES

October 17, 2001

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen, Brian Lynott and Dan Maks. Planning Commissioner Russell Davis was excused.

Associate Planner Tyler Ryerson, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

On question, staff had no communications at this time.

APPROVAL OF MINUTES:

Minutes of the meeting of September 12, 2001, submitted. Commissioner Maks referred to lines 37 and 38 of page 8, requesting that it be amended, as follows: "...mentioned that the site includes a large number of very significant trees, ~~adding that he hopes this area is not annexed into the City of Beaverton in the near future.~~" Commissioner Maks referred to lines 2 and 3 of page 9, requesting that it be amended to replace the comma after the word drip line with a period and deleting the remainder of the sentence. Chairman Voytilla referred to line 31 of page 4, requesting that it be amended, as follows: "...of Beaverton, with respect to the applicability of the Tree Preservation Ordinance." Commissioner Johansen **MOVED** and Commissioner Maks, **SECONDED** a motion that the minutes be approved, as amended.

1 Motion **CARRIED**, unanimously, with the exception of Commissioners Barnard
2 and Lynott, who abstained from voting on this issue.

3
4 **NEW BUSINESS:**

5
6 Chairman Voytilla opened the Public Hearing and read the format for Public
7 Hearings. There were no disqualifications of the Planning Commission members.
8 No one in the audience challenged the right of any Commissioner to hear any of
9 the agenda items, to participate in the hearing or requested that the hearing be
10 postponed to a later date. He asked if there were any ex parte contact, conflict of
11 interest or disqualifications in any of the hearings on the agenda. There was no
12 response.

13
14 **PUBLIC HEARING:**

15
16 **A. CUP 2001-0020 – VOICE STREAM MONOPOLE EXTENSION AT 13707**
17 **NW SCIENCE PARK DRIVE CONDITIONAL USE PERMIT**

18 This land use application has been submitted requesting approval of a Conditional
19 Use Permit (CUP) for the expansion of an approved wireless communication
20 facility with the addition of six (6) new antennas and associated equipment
21 without increasing the height of the existing monopole. The development
22 proposal is located at 13707 NW Science Park Drive, and is more specifically
23 described on Washington County Assessor's Map 1N1-33BD, Tax Lot 9300. The
24 site is zoned Campus Industrial (CI) and is approximately 10 acres in size. A
25 decision for action on the proposed development shall be based upon the approval
26 criteria listed in Section 40.05.15.2.C.

27
28 Commissioners Maks, Johansen and Bliss and Chairman Voytilla indicated that
29 they had all driven past, were familiar with the site and had not had any contact
30 with any individual regarding this application.

31
32 Commissioners Barnard and Lynott indicated that they had not visited the site,
33 although they are familiar with it, and that they had not had any contact with any
34 individual regarding this application.

35
36 Associate Planner Tyler Ryerson presented the Staff Report and briefly discussed
37 the request for Conditional Use Permit approval for modifications to an existing
38 monopole tower, adding that this site has not previously received Conditional Use
39 Permit approval for the use of the utility facility in the Campus Industrial (CI)
40 zoning district. He provided details of the proposal and a history of the site,
41 explaining the rationale for the proposed revisions for the expansion of the
42 existing communication facility. He discussed efforts of both the applicant and
43 staff to provide a design that would address applicable criteria and allow for this
44 collocation facility. Concluding, he recommended approval of the application,
45 subject to certain Conditions of Approval, offering to respond to any questions or
46 comments.

1
2 Commissioner Johansen expressed his opinion that the new use with a height
3 greater than allowed in this zoning district should require a separate approval.
4

5 Mr. Ryerson understood Commissioner Johansen's reasoning, pointing out that
6 with the original application, there had been a Conditional Use Permit for height
7 because the applicant was extending twenty feet beyond the existing approved
8 height. He explained that staff and the Planning Director had determined that
9 since this proposal involved an established height, with the antennas dropping
10 down from that height without extending above the approved height, allowing the
11 applicant to withdraw the Conditional Use Permit application. Because the
12 applicant is now expanding the use of the site that did not receive prior
13 Conditional Use Permit approval, a Conditional Use Permit application and
14 Public Hearing is necessary for the "use" of the site.
15

16 Commissioner Johansen pointed out that adding uses above the allowed height
17 actually creates less conformity.
18

19 Mr. Ryerson discussed Washington County's zoning process and designations,
20 observing that the property annexed to the City of Beaverton. The original tower
21 application was submitted during the interim period between the County zoning
22 and City zoning being established, and therefore was processed by the City. He
23 emphasized that because the County had permitted this height outright, it was
24 determined that the City would only process it through the Design Review
25 process.
26

27 Chairman Voytilla referred to Condition of Approval No. 4, which addresses the
28 removal of any structure and equipment within six months of the date that the
29 wireless operation ceases, requesting clarification of how this would be enforced.
30

31 Observing that this has been discussed in the past, Mr. Ryerson agreed that
32 enforcement is often difficult, adding that it is necessary to have a provision that
33 requires the property owner to accept this responsibility. He clarified that the
34 property owner has the option of fulfilling this obligation personally or requiring
35 that the applicant take the necessary action.
36

37 Chairman Voytilla referred to Condition of Approval No. 5, which provides for
38 negotiation for collocation and shared use of the facility, specifically how it is
39 determined whether this has been addressed.
40

41 Mr. Ryerson observed that he believes that this Condition of Approval originated
42 in a previous application, expressing his opinion that this is an attempt to be more
43 proactive in efforts to collocate these facilities.
44

45 Chairman Voytilla pointed out that there is no actual mechanism for the applicant
46 to present this information to the City of Beaverton, adding that this could result
47 in an unnecessary burden to the applicant. He suggested that it might be better to

1 simply encourage any applicants to attempt to work with other providers, when
2 feasible.

3
4 Mr. Ryerson agreed that perhaps this particular Condition of Approval should be
5 modified.

6
7 Chairman Voytilla requested clarification of whether staff is keeping track of the
8 various cellular towers located throughout the City of Beaverton.

9
10 Observing that this question is frequently asked, Mr. Ryerson advised Chairman
11 Voytilla that staff currently has no tracking system for cellular tower sites,
12 although applicants are generally required to provide information regarding other
13 sites that had been considered.

14
15 **APPLICANT:**

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17 **LARRY SOTOMAYOR**, with *Communication Services, Inc.*, representing *Voice*
18 *Stream*, offered to respond to any questions or comments regarding the proposal.

19
20 Commissioner Lynott questioned how many generations of cellular sites exist,
21 specifically requesting information regarding the various types.

22
23 Mr. Sotomayor explained that some jurisdictions are tending to require
24 concealment or stealth-technology, observing that the City of Beaverton does this
25 to some extent. He discussed the type that resembles a flagpole, observing that
26 while some are fatter than others, collocation of multiple carriers is difficult.

27
28 Commissioner Lynott requested clarification of whether there is any method that
29 could be utilized to avoid what he referred to as a “crow’s nest”.

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31 Mr. Sotomayor informed Commissioner Lynott that a “crow’s nest” is identified
32 as a “top hat” by the industry, adding that this could be avoided with the
33 construction of additional cellular towers. He explained that with a “top hat”, it is
34 possible to locate nine or twelve antennas at one level, adding that concealment
35 and stealth-type technology creates a challenge, because it actually limits the
36 amount of collocation possible. He referred to Condition of Approval No. 4,
37 adding that *Voice Stream* would be motivated to remove their hardware if it is no
38 longer necessary, adding that this is an economic issue. Referring to Condition of
39 Approval No. 5, he pointed out that the applicant is not the owner of the tower.
40 He discussed Commissioner Maks’ question regarding a list of cellular towers
41 within the City of Beaverton, noting that while Multnomah County is the only
42 local entity with such a list, they only have three towers within their jurisdiction.
43 He mentioned that prior to a pre-application conference, the City of Tigard
44 requires applicants to submit copies of letters to all carriers licensed within the
45 City limits, requesting to collocate, expressing his opinion that while this is
46 objective for staff’s purposes, it is burdensome for the applicant.

1 Mr. Ryerson expressed his appreciation Mr. Sotomayer for his efforts,
2 emphasizing that he has always been cooperative.

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4 Assistant City Attorney Ted Naemura indicated that he had no comments or
5 questions on this application.

6
7 **PUBLIC TESTIMONY:**

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9 On question, no member of the public appeared to testify regarding this
10 application.

11
12 The public portion of the Public Hearing was closed.

13
14 Commissioner Lynott expressed his approval of the application.

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16 Observing that the application meets all applicable criteria, Commissioner Maks
17 expressed his approval.

18
19 Expressing his opinion that the application meets all applicable criteria,
20 Commissioner Johansen stated that he supports the application.

21
22 Commissioner Barnard expressed his approval of the application, noting that it
23 meets applicable criteria.

24
25 Commissioner Bliss expressed his approval of the application as meeting
26 applicable criteria, commending both the applicant and staff for their efforts.

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28 Chairman Voytilla stated that the application meets applicable criteria, adding that
29 he supports the application.

30
31 Commissioner Lynott **MOVED** and Commissioner Maks **SECONDED** a motion
32 that CUP 2001-0020 – Voice Stream Monopole Extension at 13707 NW Science
33 Park Drive Conditional Use Permit be approved, based upon the testimony,
34 reports and exhibits presented during the Public Hearing on the matter and upon
35 the background facts, findings and conclusions found in the Staff Report dated
36 October 10, 2001, including Conditions of Approval Nos. 1 through 7.

37
38 Motion **CARRIED**, unanimously.

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40 **MISCELLANEOUS BUSINESS:**

41
42 The meeting adjourned at 7:30 p.m.